



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

July 22, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors,

SUBJECT: HEARING ON ORDINANCE EXTENDING INTERIM ORDINANCE NO. 2008-0027U WHICH TEMPORARILY REGULATES DEVELOPMENT ON ALL RESIDENTIALLY-ZONED PARCELS IN THE UNINCORPORATED COMMUNITY OF CERRITOS ISLAND BY REQUIRING A CONDITIONAL USE PERMIT (4 VOTES).

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

Adopt the ordinance extending Interim Ordinance No. 2008-0027U for a period of 10 months and 15 days.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Board of Supervisors enacted Interim Ordinance No. 2008-0027U, to address potentially adverse development proposals of residentially-zoned property in the unincorporated community of Cerritos Island. Said Interim Urgency Ordinance temporarily regulates the development of residential buildings or residential building additions which exceed 26 feet in height and yard modifications other than fences or walls located within the required setbacks of residentially-zoned parcels in the affected area by requiring a conditional use permit prior to such development. The Board found that without the necessary evaluation provided through the conditional use permit review process, lack of appropriate review may lead to development that negatively impacts and detracts from the physical appearance, conditions and character of the area. Unless the interim ordinance is extended, an irreversible incompatibility of building size, bulk and height and yard sizes for building and street access might occur as a result of approval of applicable entitlements. Accordingly, the Board of Supervisors found that there is a current and immediate threat to public health, safety and welfare. The extension of Interim Urgency Ordinance No. 2008-0027U will allow the Department of Regional Planning (DRP) staff

sufficient time to complete a comprehensive zoning study and for the Board of Supervisors to consider adoption of possible ordinance amendments for the following area:

"All residentially-zoned property in the area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south and Elmcroft Avenue to the west in the unincorporated community of Cerritos Island in the unincorporated Los Angeles County."

FISCAL IMPACT/FINANCING

Extension of said Interim Urgency Ordinance would not result in any fiscal impacts or financing as the zoning compatibility study would be conducted with the currently budgeted staffing and resources.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The urgency measure, first adopted by your Board on June 10, 2008, will expire on July 26, 2008, unless extended by Board action. A zoning study to review all residentially-zoned properties in the affected area and to assess zoning compatibility with the surrounding community has been initiated by the DRP. Thorough research and a detailed analysis of the issues are needed before considering a permanent zoning ordinance amendment. Additional time is needed to meet with the affected parties and neighboring city agencies to develop appropriate recommendations. If the urgency ordinance is not extended, residential development may be approved without the benefit of a zoning compatibility study and a public hearing, potentially causing irreversible incompatibility of land uses and may negatively impact and detract from the physical appearance, conditions, and character of the area and may impact fire safety and result in the threat to the public health, safety, or welfare absent the extension of the restrictions contained in Interim Urgency Ordinance 2008-0027U.

Pursuant to Section 65858 of the Planning and Zoning Law (Title 7 of the California Government Code), Interim Ordinance No. 2008-0027U was adopted by the Board of Supervisors on June 10, 2008. The urgency measure temporarily requires a conditional use permit for all residentially-zoned parcels in the unincorporated community of Cerritos Island.

The provisions of Section 65858 limit the effective period of Interim Urgency Ordinance No. 2008-0027U to only forty-five (45) days. In view of the approaching July 26, 2008 expiration date, it is recommended that the Interim Urgency Ordinance be extended for ten months and 15 days as provided in Section 65858.8. This will allow sufficient time for the DRP to complete the zoning study, including recommended changes to the Zoning Code if needed. As noted above, if the Interim Urgency Ordinance No. 2008-0027U is not extended, unrestricted development of residentially-zoned parcels in Cerritos Island may negatively impact the character of the area.

Extension of this ordinance requires that the Board conduct a public hearing at which time the ordinance extending the Interim Urgency Ordinance may be adopted by no less than a four-fifths vote. The date of the public hearing has been set for July 22, 2008. Publication of a notice of this public hearing will take place not less than ten (10) days prior to the hearing date, as

required. In addition, DRP mailed notices to interested residents and property owners in the affected area.

IMPACT ON CURRENT SERVICES OR PROJECTS

The proposed ordinance has no impact on current services or projects as the zoning compatibility study and associated tasks could be conducted without additional resources and staff.

CONCLUSION

Extension of Interim Ordinance 2008-0027U would ensure that proposed residential development projects in the unincorporated Cerritos Island area would receive the necessary evaluation provided through the Conditional Use Permit review and public hearing process. Said Interim Ordinance would also provide staff with sufficient time to conduct a zoning compatibility analysis and make appropriate recommendations. This extension would not generate any fiscal impact or adversely impact current services or projects.

The proposed ordinance, extending Interim Urgency Ordinance No. 2008-0027U has been prepared by County Counsel. A suggested notice of public hearing is also attached. If you have any questions, please contact me or Russell Fricano of my staff at (213) 974-4885.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING



Bruce W. McClendon, FAICP
Director of Planning

BWM:RDH:RJF:DM

Attachments: Sample public hearing notice
Ordinance

c: County Counsel

**NOTICE OF PUBLIC HEARING
ON PROPOSED ORDINANCE EXTENDING
INTERIM URGENCY ORDINANCE NO. 2008-0027U**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, in Room 383 of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012 at **9:30 a.m. on July 22, 2008**, pursuant to Government Code Section 65858, to hear testimony related to the proposed ordinance extending Interim Urgency Ordinance No. 2008-0027U for a period not to exceed ten months and 15 days as provided in Government Code Section 65858.

Said Interim Urgency Ordinance temporarily regulates proposed development of residential buildings or residential building additions which exceed 26 feet in height and yard modifications other than fences or walls located within the required setbacks of residentially-zoned parcels in the unincorporated Cerritos Island area of Los Angeles County. This area is bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south and Elmcroft Avenue to the west. Said Interim Urgency Ordinance requires that a conditional use permit be filed prior to approval of such development.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call the Community Studies I Section of the Los Angeles County Department of Regional Planning at (213) 974-4885 between the hours of 7:30 a.m. and 6:00 p.m., Monday through Thursday. The offices are closed on Fridays.

“ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternative format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (voice) or (213) 617-2292 (TDD), with at least three business days notice.”

Si no entiende este aviso o necesita más información, por favor llame este número (213) 974-4899.

SACHI A. HAMAI
EXECUTIVE OFFICER-CLERK OF
BOARD OF SUPERVISORS



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
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RAYMOND G. FORTNER, JR.
County Counsel

July 10, 2008

Bruce McClendon, Director
Department of Regional Planning
1390 Hall of Records
320 West Temple Street
Los Angeles, California 90012

Re: Extension of Cerritos Island Interim Urgency Ordinance

Dear Mr. McClendon:

As requested, enclosed are the analysis and ordinance extending Interim Ordinance No. 2008-0027U to temporarily require a conditional use permit to construct or modify residential buildings that exceed 26 feet in height or for yard modifications in the residentially-zoned properties in the Cerritos Island area pending completion of a zoning study to review such properties to determine appropriate zoning regulations. If approved, it will extend Interim Ordinance No. 2008-0027U for a period of ten and one-half months, without other modification.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By

A handwritten signature in dark ink, appearing to read "Elaine M. Lemke".

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

A handwritten signature in dark ink, appearing to read "Leela A. Kapur".

LEELA A. KAPUR
Chief Deputy

EML:vn

Enclosures

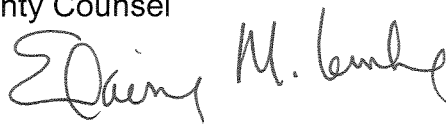
HOA.536954.1

ANALYSIS

This ordinance extends Interim Ordinance No. 2008-0027U for a maximum period of 10 months and 15 days to June 9, 2009. Interim Ordinance No. 2008-0027U, adopted on June 10, 2008, temporarily regulates the development of all residentially-zoned parcels improved, or to be improved, with residential buildings in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, by requiring a conditional use permit for buildings and building additions that exceed 26 feet in height and for yard modifications other than for fences or walls which are located within required setbacks.

This extension ordinance is an urgency measure which requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption.

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:vn

7/10//08 (requested)

7/10//08 (revised)

ORDINANCE NO. _____

An ordinance extending Interim Ordinance No, 2008-0027U, temporarily regulating the use of all residential buildings on residentially-zoned parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, declaring the urgency thereof, and that this ordinance will take effect on July 25, 2008.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim prohibition.

Pursuant to section 65858 of the Government Code, the board of supervisors having held a public hearing, hereby extends Interim Ordinance No. 2008-0027U to June 9, 2009. Interim Ordinance No. 2008-0027U provided, and this extension similarly provides, that no residential buildings or residential building additions which exceed 26 feet in height shall be constructed and no yard modifications except for fences or walls located within required setbacks shall be permitted on any property improved, or proposed to be improved, with a residential building that: (1) is located within the area described in Section 6, below; and (2) is zoned for residential use as defined in Title 22 of the Los Angeles County Code, unless a conditional use permit is first issued in accordance with the procedures set forth in Part 1 of Chapter 22.56 of said Title 22.

SECTION 2. Adoption and expiration of initial interim ordinance; authority.

Interim Ordinance No. 2008-0027U was adopted on June 10, 2008. Unless this ordinance takes effect on or before July 25, 2008, Interim Ordinance No. 2008-0027U

will expire. California Government Code section 65858 provides that any urgency measure in the form of an initial interim ordinance may be adopted without following the procedures otherwise required prior to adoption of a zoning ordinance, by a four-fifths vote of the board of supervisors, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for an additional 10 months and 15 days beyond the original 45-day period, and it can be extended a second time for an additional year.

SECTION 3. Definitions and penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to the interpretation and to violations of the provisions of this interim ordinance.

SECTION 4. Zoning study initiated, determination of immediate threat.

The Los Angeles County Regional Planning Department ("Planning Department") has commenced a comprehensive zoning study to review all residentially-zoned properties in the affected Cerritos Island area to consider a possible permanent zoning ordinance amendment. The Planning Department study will review development standards in the area to, among other things, assess the heights and yard sizes for buildings and street access issues. The affected area includes many substandard lots in terms of size and many parcels are located on substandard streets. Residential development in the Cerritos Island area and surrounding communities has a certain

character in terms of yard size and building heights. Generally, in the past, development accounted for the size of the lots and impacts on neighboring properties and the buildings constructed were consistent with the character of the community. More recently, however, buildings near the maximum height limit, and with less than required setbacks, have been constructed which are not compatible with other homes in the area and are out of character with the surrounding community. Also, at least one street in the Cerritos Island area is substandard in width raising, among other things, questions related to fire safety. Allowing residential buildings, or residential building additions, that exceed 26 feet in height and permitting yard modifications for residential buildings in the affected area to proceed without the oversight provided by the review process for a conditional use permit may negatively impact and detract from the physical appearance, conditions, and character of the area and may impact fire safety. Unless this interim ordinance is extended as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements, all to the detriment of the public health, safety, and welfare. Accordingly, the board of supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements for use would result in that threat to the public health, safety, or welfare absent extension of the restrictions contained in Interim Ordinance No. 2008-0027U. If this interim ordinance does not take on July 25, 2008, uses that

may be in conflict with any permanent amendment to the zoning code for the affected Cerritos Island area that may be adopted as a result of the Planning Department study may be established, and these uses may continue after any permanent re-zoning of the properties described in Section 6.

SECTION 5. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. Area of applicability.

This interim ordinance applies to parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west. This area is surrounded by the City of Norwalk to the north and the City of Cerritos in all other directions.

SECTION 7. Urgent need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect on July 25, 2008, and it shall be of no further force and effect 10 months and 15 days following the date of its taking effect unless further extended in accordance with the provisions set forth in Government Code section 65858.

[CERRITOSURGORDEXTELCC]